

New York State Department of Environmental Conservation**Division of Environmental Enforcement, Room 627**

50 Wolf Road, Albany, New York 12233-5500

Phone: (518) 457-4348 • FAX: (518) 485-8478

Website: www.dec.state.ny.us

COPY FOR
Dick
Joe R.
Margaret
John

March 24, 2000

VIA FAX AND REGULAR MAIL

Julian W. Friedman, Esq.
Stillman & Friedman, P.C.
425 Park Avenue
New York, New York 10022

U.S. EPA REGION II
EMER. & REM. RES. DIV.
2000 MAR 27 PM 3:13
DIRECTOR'S OFFICE

Re. BCF Oil Refining, Inc.

Dear Julian:

This serves to reply to your letter to MaryEllen Kris and me dated March 14, 2000.

I am surprised and disappointed by your client's apparent decision to abandon negotiations that were on the verge of succeeding in getting the property at 360 Maspeth Avenue in Brooklyn investigated and remediated. Of course, your client remains responsible for the property's cleanup and for reimbursing the State for the expenditures it already has made in trying to commit your client to undertake its legal obligations.

At this point, and as I informed you during this morning's telephone call, the Department will refer this matter to the United States government for it to undertake an emergency removal action to empty the tanks and perform other tasks. You informed me during that call that your client would maintain site security until the federal government began its removal operations. We discussed delivery of the keys to the premises; and I informed you that I would call you back with the name of the federal official in charge of the project to whom those keys could be delivered once I receive word of that individual's identity. Since then, I have been informed that the federal official will contact you directly.

In any event, the transfer of the keys, of course, has no legal significance either to the State or to the federal government, other than to demonstrate your client's consent to access to your client's property for response action purposes; and the Department's referral of the matter to the federal government in no way waives any rights the State may have in this matter vis-à-vis your client.

Sincerely,

A handwritten signature in cursive script that reads 'Charles'.

Charles E. Sullivan, Jr.
Director

375498

